

United States District Court
RECEIVED

MIDDLE

DISTRICT OF

ALABAMA

2005 JUN -6 P 3: 58

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

DEBRA D. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.
V.

CASE NUMBER: 1:05mj 74-M

HOWARD EUGENE BROOKSHIRE, JR.

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 4, 2005 in Dale county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

knowingly receive child pornography that had been mailed, shipped, and transported in interstate and foreign commerce

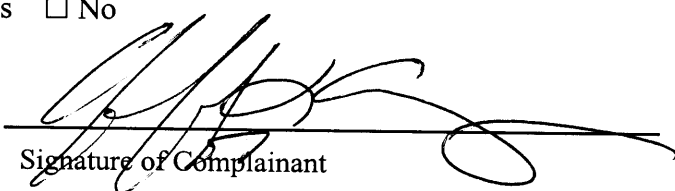
in violation of Title 18 United States Code, Section(s) 2252A(a)(2)(A).

I further state that I am a(n) Postal Inspector and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

June 6, 2005

at **Montgomery, Alabama**

Date

City and State

Vanzetta Penn McPherson, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

United States District CourtMIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.

HOWARD EUGENE BROOKSHIRE, JR.

CASE NUMBER:

1:05 mj 74-M

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest HOWARD EUGENE BROOKSHIRE, JR.

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

knowingly receiving child pornography that had been mailed, shipped, and transported in interstate and foreign commerce,

in violation of Title 18, United States Code, Section(s) 2252A(a)(2)(A).VANZETTA PENN MCPHERSON

Name of Issuing Officer

Vanzetta Penn McPherson

Signature of Issuing Officer

Kelli Gregg

(By) Deputy Clerk

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

6 June 2005 / Montgomery, AL

Date and Location

Bail fixed at \$ _____

by _____

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

AFFIDAVIT

I, Jeffrey L. Arney do solemnly depose and state the following:

- 1) I am an Inspector with the United States Postal Inspection Service and have been so employed since August, 2004. Prior to my appointment as a Postal Inspector, I was employed as a detective with the Greensboro (NC) Police Department for over thirteen years. During a part of my tenure with the Greensboro (NC) Police Department, I was assigned to the Child Victim Unit and was responsible for the investigation of child abuse, child neglect and the sexual exploitation of children.
- 2) As a United States Postal Inspector, I am currently responsible for the investigation of Federal offenses involving the alleged use of the United States Mails to distribute and receive child pornography in violation of Title 18 United States Code Section 2252, et. Seq., and the alleged use of computers in interstate commerce to receive, possess or distribute child pornography in violation of Title 18 United States Code Section 2252 and Section 2252A. I have received training in how to conduct investigations of offenses relating to child pornography and sexual exploitation of minors as well as specialized instruction on how to conduct investigations of offenses relating to child sexual exploitation and child pornography that involve use of the United States Mails. The specialized training I have received also includes various courses on the recovery of digital evidence located on computers and other similar electronic data storage devices, the exploitation of children involving the use of the Internet, and the behavioral analysis on the child sex offender.

- 3) This affidavit is being made in support of an application for an arrest warrant for Howard Brookshire, Jr., resident of 400 Walnut Street, Daleville, Alabama 36322, for a violation of Title 18, United States Code, Section 2252A(a)(2)(A).
- 4) Title 18, United States Code, Section 2252A(a) (2)(A) makes it a federal criminal offense for any person to knowingly receive any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, if the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.
- 5) On May 31, 2005, a search warrant was issued by this Court for 400 Walnut Street, Daleville, Alabama 36322, a residence believed to be occupied by Howard Brookshire, Jr..
- 6) The search warrant was premised on an investigation being conducted by the United States Postal Inspection Service in which information was received that a Howard Brookshire, Jr of 400 Walnut Street, Daleville, Alabama 36322, was using a computer to contact a website which offered for sale videos of children engaging in sexually explicit behavior.
- 7) In April 2005, Inspector J.K. Terry of the United States Postal Inspection Service received an email request from "howard035@centurytel.net" for a catalog of available videos for purchase. A listing of videos available for purchase was returned by email to the requestor. The list of available videos consisted of adult and child pornographic videos, instructions on submitting a request for any of the videos, the purchase price for each video, and instructions on payment for the videos. Each available video was described by title and number, with a detailed

description of the sexually explicit acts performed in the video, and a specific description of the ages of the child participants in the videos containing child pornography.

- 8) On April 30, 2005, Inspector Terry received an envelope through the US Mail addressed to an undercover address provided on the undercover website and product catalog. The address on the aforementioned envelope was handwritten and the return address was a sticker reading, "Howard Brookshire, Jr., 400 Walnut St., Daleville, AL 36322." Inside the envelope were two twenty dollar bills, US currency, and a handwritten letter which stated:

"Kevin,
OK Trying this decided to send full amount. I want
School Days 6666
P-Teen Trio 4777
Fam Sex 6742
After School 1298"

- 9) The videos ordered consisted of the following, with video descriptions as advertised:

SCHOOL DAYS/6666: Uncle Tommy helps his 10 year old, TWIN!!, nieces lick his cock. One at a time and together.

PRE-TEEN TRIO/4777: Teenage "ménage-a-tois"...two boys aged 15-17 and girl age about 10; suck, fuck, and more in every position...unbelievable.

FAMILY SEX/6742: Mom licks Dad's dick then rubs dick on 10-year-old daughter's pussy. Has great masturbation scenes of all. Close-ups of daughter playfully peeing in a bucket and of daughter sucking dad.

AFTER SCHOOL/1298: Two girls, ages 10 & 15, get turned on with porn photos, frolic on bed, do masturbation and eat pussy. Games continue with sex toys. Older girl with big tits makes it a threesome and older girl eats younger girl's pussy.

- 10) On May 9, 2005, Inspector Terry, using the US Mail, sent a letter to “Howard Brookshire, Jr., 400 Walnut St, Daleville, AL 36322” acknowledging the payment for the videos and confirming the order of the four aforementioned titles. In addition, Inspector Terry provided a “verification code” in his correspondence and instructed the recipient to reply, via email or US Mails, with the verification code.
- 11) On May 13, 2005, Inspector Terry received an email from “howard035@centurytel.net” regarding the return of a prearranged “verification code.” Using the information from within this email from “howard035@centurytel.net,” I identified the originating Internet Protocol (IP) Address as 209.142.136.132. With this IP Address, I identified the sender’s Internet Service Provider (ISP) as CenturyTel Internet Holdings, Inc. CenturyTel Internet Holdings, Inc. provides service to “howard035@centurytel.net” for the purposes of connection to the Internet and the sending and receiving of emails.
- 12) On May 18, 2005, I obtained a United States Grand Jury Subpoena for any and all subscriber information in the possession of CenturyTel Internet Holdings, Inc. for the user of the IP Address of 209.142.136.132 at the time and date of the email to Inspector Terry.
- 13) Upon service of the Subpoena, I was notified on May 20, 2005 that the requested subscriber information was available from a secondary IP Address used during the same transmission of the aforementioned email to Inspector Terry. A second United States Grand Jury Subpoena was obtained and served on CenturyTel Internet Holdings, Inc. for the IP address of 64.91.26.36. On May 20, 2005, I


received information identifying the user of IP address 64.91.26.36 on May 13, 2005 at 00:08:14 Central Daylight Time (CDT) as Howard Brookshire, SSN 267-53-2112, 400 Walnut St., Daleville, AL 36322, telephone number 334-598-8359. According to the information received from the subpoena request, the subscriber, Howard Brookshire started Internet service with CenturyTel Internet Holdings, Inc. on March 14, 2005 and has an email address of "howard035@centurytel.net." A credit card number of 4606256809795808 is being used to pay for the aforementioned service. CenturyTel Internet Holdings, Inc. informed me the Internet service provided by their company was for the residence at 400 Walnut St., Daleville, AL 36322.

- 14) On or about June 4, 2005, the United States Postal Inspection Service, pursuant to Title 18, United States Code, Section 3105, with appropriate assistance from other law enforcement officers, entered the said described premises once the package and its contents were delivered and taken into the premises and the monitoring device inside the package alerted by emitting a one-second beep, and searched for and seized the opened package containing the child pornography videotapes.
- 15) Howard Brookshire, Jr. was identified as the person who took possession of the delivered package. Brookshire gave a statement to law enforcement in which he admitted to using the internet to order the videotapes knowing they contained child pornography and to receiving the videotapes believing them to be child pornography.

16) Based on the foregoing, I believe that probable cause exists that Brookshire has violated Title 18 United States Code, Section 2252A(a)(2)(A) and respectfully request that an arrest warrant be issued for Howard Eugene Brookshire, Jr.


JEFFREY L. ARNEY
U.S. POSTAL INSPECTOR

Sworn to and Subscribed before me
this 6th day of June 2005.


VANZETTA/PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE
MIDDLE DISTRICT OF ALABAMA